

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DANIEL KLEEBERG, LISA STEIN and AUDREY HAYS,

Plaintiffs,

v.

ESTATE OF LESTER EBER, ALEXBAY, LLC f/k/a LESTER EBER, I
ESTATE OF ELLIOTT W. GUMAER, JR. and WENDY EBER,

Defendants,

and

EBER BROS. & CO, INC., EBER BROS. WINE AND LIQUOR
CORP., EBER BROS. WINE & LIQUOR METRO, INC., EBER-
CONNECTICUT, LLC, EBER-RHODE ISLAND, LLC, EBER BROS.
ACQUISITION CORP., EBER-METRO, LLC, SLOCUM & SONS
OF MAINE, INC., and CANANDAIGUA NATIONAL BANK &
TRUST COMPANY,

Nominal Defendants.

Civil Action No.
16-CV-9517(LAK/KHP)

**NOTICE OF
MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Defendants Estate of Lester Eber and Alexbay, LLC f/k/a Lester Eber move this Court for an order to reconsider of so much of the Court's August 10, 2020 Opinion and Order that held that the fact that the trustees' could secure loans against the collateral held in the Trust did not automatically grant a trustee who made a securitized loan the right to foreclose on that collateral for him or herself.

DATED: October 8, 2020
Rochester, New York

UNDERBERG & KESSLER LLP

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